



CANNON BUILDING  
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STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

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<b>PUBLIC MEETING MINUTES:</b>	<b>Board of Pilot Commissioners</b>
<b>MEETING DATE AND TIME:</b>	<b>Friday, March 9, 2012 at 10:00 a.m.</b>
<b>PLACE:</b>	861 Silver Lake Boulevard, Dover, Delaware <b>Conference Room A</b> , second floor of the Cannon Building
<b>MINUTES APPROVED:</b>	

**MEMBERS PRESENT**

Troy Selph, Professional Member, President  
Joseph Morrissey, Professional Member  
Richard Cordrey, Public Member  
Mark Murphy, Public Member  
Bradford Schell, Professional Member  
Thomas Cook, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Eileen Heeney, Deputy Attorney General  
Jenn Witte, Administrative Specialist II

**MEMBERS ABSENT**

David Brady, Public Member

**ALSO PRESENT**

Jim Johnson  
James Roche  
Dave Potter  
Richard Buckaloo  
Brian Wong  
Jerry Medd  
Shane Laws  
Rod Walker  
J. Stuart Griffin  
Jeffrey Muller

**CALL TO ORDER**

Mr. Selph called the meeting to order at 10:02 a.m.

### **REVIEW OF MINUTES**

A motion was made by Mr. Cordrey, seconded by Mr. Cook, to approve the December 9, 2011 minutes as presented. The motion was unanimously carried.

Ms. Heeney amended the agenda to begin the meeting with the discussion of the letter from Mr. Schell to the Board regarding Board procedures (4.1).

### **NEW BUSINESS**

#### **Review of Letter from Mr. Schell to Board Regarding Board Procedures**

Ms. Heeney stated that there have been some questions on the procedures for disciplinary complaints and she wanted to clarify those for the Board.

Ms. Heeney advised that the process is complaint driven, and added that anyone can file a complaint with the Division of Professional Regulation. She stated that once a complaint comes into the office it goes through the Investigations Unit and if there are violations to the law the complaint is then forwarded on to the office of the Attorney General. The Deputy Attorney General assigned to prosecute will determine if there are grounds for discipline. If the DAG moves forward, they will file an official complaint which is sent to the Licensee.

The complaint will come back to the Division and may or may not come before the Board as a disciplinary hearing, as the Division has two Hearing Officers that could hear the case. However, if there is a consent agreement reached, this will still come to the Board for approval.

Ms. Heeney stated that in terms of disciplining the licensee there is a due process and in order to impose discipline there has to be a disciplinary hearing.

Mr. Murphy asked what the scope of liability for the Board would be.

Ms. Heeney advised that the Board would be immune.

### **OLD BUSINESS**

The Board amended the agenda to hear the Pilot Association Apprentice Committee Report prior to reviewing the Consent Agreement.

#### **Pilot Association Apprentice Committee Report**

J. Stuart Griffin reported that William Keller continued to make excellent progress throughout the remainder of his apprenticeship. He passed the State examination for sixth class pilot in December 2011 and completed the remainder of the practical program requirements by mid-January 2012.

Mr. Keller was licensed as a sixth class pilot effective February 1, 2012, as scheduled.

#### **Review of Consent Agreement – Archie Lingo – Case #03-01-12**

After review of the Consent Agreement as presented, a motion was made by Mr. Cook, seconded by Mr. Schell, to reject the Consent Agreement of Archie Lingo and request that the Attorney General's Office allow a disciplinary hearing before the Board and additionally requested that Mr. Lingo not be allowed to practice until resolved. Mr. Selph and Mr. Morrissey were both recused. The motion was carried by Mr. Schell, Mr. Murphy, Mr. Cook, and Mr. Cordrey.

Complaint Status

03-02-10-Assigned  
03-03-10-Office of the Attorney General  
03-06-10-Assigned  
03-01-11-Assigned  
03-01-12-Office of the Attorney General

**OTHER BUSINESS BEFORE THE BOARD**

The Board stated that in the statute if a pilot does not exercise piloting for a period of 90 days, they are required to take a refresher course.

The Board stated that there needs to be more clarification on the refresher course and verification of completion.

Ms. Heeney stated that there could be a mass mailing “reminding” pilots of this requirement, and suggested it be added to the agenda for the June meeting for further discussion.

Mr. Selph stated, in regards to the case that was before the Board earlier in the meeting, that the Board is there to protect the public and how the current process works for disciplinary cases does is not allow them to do so.

Mr. Schell asked the Boards’ attorney if there is a way to change this process.

Ms. Henney advised that there would need to be a statute change and she would discuss with Barbara Gadbois, but added that there is a possibility of renegotiating the Consent Agreement or holding an emergency hearing.

**CORRESPONDENCE**

There was no correspondence.

**PUBLIC COMMENT**

Jim Johnson stated, in regards to the discussion of disciplinary cases, that per Title 23 the board does have the ability to request an emergency hearing.

Captain Roche asked the Board what he is to do with Captain Lingo and adding him to the work schedule.

Ms. Heeney advised that the Consent Agreement was not signed by the Board so Mr. Lingo’s license is still active.

Mr. Lingo’s attorney was present for the meeting and stated that he was disappointed by the Boards’ decision and added that the intent if the Consent Agreement was so that Mr. Lingo could continue getting his pay while on probation until his retirement in April 2013, and that there was no intent to continue working on Mr. Lingo’s behalf.

Ms. Heeney advised Mr. Muller that this was not a hearing and this can not be further discussed before the Board.

**NEXT SCHEDULED MEETING**

The next meeting will be Friday, June 9, 2012 at 10:00 a.m. in Conference Room A.

**AJOURNMENT**

A motion was made by Mr. Cordrey, seconded by Mr. Murphy, to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 11:15 a.m.

Respectfully submitted,

Jennifer Witte  
Administrative Specialist II